

RECEIVED NO. 0729 P. 10
CENTRAL FAX CENTER
DEC 12 2006REMARKS

By this Amendment, claims 42-44 added in the April 27, 2006 Amendment are cancelled, and new claims 45-47 are added. Thus, claims 45-47 are active in the application. Reexamination and reconsideration of the application are respectfully requested.

On page 2 of the Office Action, the Examiner asserted that claims 42-44 added in the April 27, 2006 Amendment were directed to an invention that is independent or distinct from the invention originally claimed. In particular, the Examiner asserted that the Applicants significantly altered the structural elements of claim 42 in reciting the second communication terminal device, and that the arguments directed to determining whether the second communication terminal has ownership of the content render claims 42-44 independent or distinct from the originally presented claims.

The Examiner asserted that since the Applicants have received an Office Action on the merits of the invention originally claimed (i.e., claims 39-41 added in the November 1, 2005 Amendment After Final), claims 39-41 were constructively elected by original presentation. As a result, the Examiner withdrew claims 42-44 from consideration.

Claims 42-44 were added in the April 27, 2006 Amendment in favor claims 39-41 added in the November 1, 2005 Amendment After Final. Thus, claims 39-41 were cancelled in the April 27, 2006 Amendment.

Since the Examiner believes that claims 42-44 are directed to an independent or distinct invention than the invention of claims 39-41, new claims 45-47 presented herein re-present the inventions of claims 39-41 presented in the November 1, 2005 Amendment After Final and cancelled in the April 27, 2006 Amendment. Accordingly, new claims 45-47 correspond to cancelled claims 39-41, respectively, except for the following revisions (1)-(5).

For the Examiner's convenience, the following discussion of the differences between new claims 45-47 and cancelled claims 39-41 includes marked-up language to illustrate the revisions to claims 39-41 made in new claims 45-47. Limitations that are added in new claims 45-47 are underlined (e.g., added), while limitations that are deleted are denoted with strikethrough text (e.g., ~~deleted~~).

(1) With regard to new claim 45 (corresponding to cancelled claim 39), the content purchasing unit of the first communication terminal device is recited as being "operable to send, to said distribution management device, purchase request information that indicates a request for a purchase of the received content received from said second communication terminal device, and to receive copyright information of the content from distribution management device."

(2) With regard to new claim 45, the content searching unit of the communication exchange device is recited as being "receive the search request information from said first communication terminal device, to make a search based on the search request information so as to generate search result information a search list that indicates at least one content, and to send the generated search result information search list to said first communication terminal device."

(3) With regard to new claim 47 (corresponding to cancelled claim 41), the content distribution management system of new claim 45 is recited as "further comprising a third communication terminal device which is functionally equivalent to said second communication terminal device."

(4) With regard to new claim 47, the purchase request information is recited as including "circulation history information that indicates the content received by said first communication terminal device has been intermediated by said third communication terminal device before said second communication terminal device sends the content to said first communication terminal device intermediary terminal information that indicates a communication terminal device, as an intermediary device, which transferred the received content."

(5) With regard to new claim 47, the intermediary information sending unit in the distribution management device is recited as being "operable to judge whether or not the purchase request information includes the intermediary terminal information, and to send the intermediary information to the communication terminal device when judging that the purchase request information includes the intermediary terminal information said second and third communication terminal devices based on the circulation history information."

Accordingly, new claims 45-47 present revisions to the inventions defined in cancelled claims 39-41, but are not directed to inventions that are independent or distinct from the inventions of cancelled claims 39-41.

Furthermore, new claim 47 includes revisions of cancelled claim 41 to clarify that the distribution management device sends the intermediary information to the device which intermediated the content (i.e., the second and third communication terminal devices) based on the circulation history information.

Therefore, new claims 45-47 do not present inventions that are independent or distinct from the inventions of cancelled claims 39-41. Accordingly, the Applicants respectfully request entry of new claims 45-47.

On page 4 of the Office Action dated February 8, 2006, claims 39-41 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsushita I (Matsushita: Quan, Margaret; "Software Secure Net Music," Electronic Engineering Times, 14 August 2000, n1126 pg 24, Proquest #58025894, 2 pgs) and Matsushita II (Matsushita: "Matsushita Electric (Panasonic) and InterTrust to Collaborate on Secure Music Distribution," PR Newswire, 10 January 2001, pg1, Proquest #66453094, 3 pgs) in view of Ginter et al. (U.S. 5,910,987).

This rejection is respectfully traversed with respect to new claims 45-47 for the following reasons.

The present invention, as recited in new claim 45, provides a content distribution management system for circulating a content via a network. The content distribution management system of new claim 45 comprises five distinct devices. Specifically, the content distribution management system comprises (i) a first communication terminal device, (ii) a second communication terminal device, (iii) a distribution management device, (iv) a communication exchange device, and (v) a content providing device.

(i) The first communication terminal device

The first communication terminal device (i) includes a content specifying unit operable to send search request information that indicates a request for a content search to the communication exchange device (iv), to receive, from the communication exchange device (iv), a search list that is a result of the content search, and to specify at least one

content based on the received search list.

The first communication terminal device (i) also includes a content acquiring unit operable to send, to the second communication terminal device (ii), distribution request information that indicates a request for a distribution of the specified content, and to receive the content from the second communication terminal device (ii).

Further, the first communication terminal device (i) includes a content purchasing unit operable to send, to the distribution management device (iii), purchase request information that indicates a request for a purchase of the content received from the second communication terminal device (ii), and to receive copyright information of the content from the distribution management device (iii).

(ii) The second communication terminal device

The second communication terminal device (ii) includes a content receiving unit operable to receive a content from the content providing device (v).

The second communication terminal device (ii) also includes a content sending unit operable to receive the distribution request information from the first communication terminal device (i), and to send the specified content to the first communication terminal device (i) based on the distribution request information.

Further, the second communication terminal device (ii) includes an intermediary information accepting unit operable to accept, from the distribution management device (iii), intermediary information with regard to an intermediary fee of the content purchased by the first communication terminal device (i).

(iii) The communication exchange device

The communication exchange device (iii) includes a content searching unit operable to receive the search request information from the first communication terminal device (i), to make a search based on the search request information so as to generate a search list that indicates at least one content, and to send the generated search list to the first communication terminal device (i).

(iv) The distribution management device

The distribution management device (iv) includes a copyright management unit operable to receive the purchase request information from the first communication terminal device (i), to specify copyright information of the content to be purchased, based on the purchase request information, and to send the specified copyright information to the first communication terminal device (i).

The distribution management device (iv) also includes an intermediary information sending unit operable to determine details of an intermediary fee with regard to the purchase of the content by the first communication terminal device, based on the purchase request information received from the first communication terminal device (i), and to send intermediary information with regard to the intermediary fee to the second communication terminal device (ii).

(v) The content providing device

The content providing device (v) includes a content providing unit operable to provide at least one content to the second communication terminal device (ii).

Accordingly, the content distribution management system of new claim 45 is a system which permits a secondary (intermediary) circulation of requested content from a second communication terminal device (ii) to a first communication terminal device (i) which requests the content. In particular, new claim 45 recites that the second communication terminal device (ii) obtains the requested content from a content providing device (v), and accepts, from the distribution management device (iii), intermediary information with regard to an intermediary fee of the content purchased by the first communication terminal device (i).

Further, new claim 45 recites that the first communication terminal device (i) sends a search request for the requested content to the communication exchange device (iv), and specifies a requested content based on a search list received from the communication exchange device (iv) responsive to the search request.

In addition, new claim 45 recites that the first communication terminal device (i) sends distribution request information to the second communication terminal device (ii)

to obtain the requested content from the second communication terminal device (ii). Further, new claim 45 recites that the first communication terminal device (i) sends purchase request information, to the distribution management device (iii), that indicates a request for a purchase of the content received from the second communication terminal device (ii). Moreover, new claim 45 recites that the first communication terminal device (i) receives copyright information of the content from the distribution management device (iii) in response to purchase request information sent from the first communication terminal device (i) to the distribution management device (iii).

Accordingly, while the first communication terminal device (i) receives the content from the second communication terminal device (ii), the first communication terminal device (i) receives the copyright information of the content from the distribution management device (iii) in response to sending purchase request information that indicates a request for a purchase of the content received from the second communication terminal device (ii) to the distribution management device (iii).

Therefore, unlike peer-to-peer distribution systems in which a first user obtains a content together with the copyright information of the content and the first user can then transfer the content and its copyright information to a second device (a peer device), the first communication terminal device (i) of the present invention receives the content from the second communication terminal device (ii), but must then obtain the copyright information of the content received from the second communication terminal device (ii) from the distribution management device (iii), which is a separate and distinct device from the second communication terminal device (ii).

Matsushita I and Matsushita II disclose that Panasonic and InterTrust have co-developed software for securely distributing music over the Internet through InterTrust's peer-to-peer distribution system, where music (contents) packaged in InterTrust's Secure Containers can be securely transferred to Panasonic's Secure Digital (SD) audio format Memory Card devices.

Ginter et al. disclose InterTrust's secure content distribution system which permits users to acquire the usage rights to a content, download the content from a content provider, and then transfer the acquired content "to other end-user parties without requiring the direct participation of a content provider to register and/or otherwise

initialize the content for use [by the other end-user parties]" (see Column 24, lines 25-30). That is, Ginter et al. disclose a virtual distribution environment (VDE) which allows a first user to obtain and purchase a particular content from a distribution source together with the copyright information of the content, and if the first user is permitted to share the content based on the copyright information and usage rights, pass the obtained content to a second user.

Thus, Ginter et al. merely disclose a peer-to-peer distribution system in which the first user obtains the content and usage rights (copyright information) of the content, and then the first user passes the content and usage rights to a second user. In other words, Ginter et al. merely discloses a system in which the first user that receives, purchases and obtains usage rights of a particular content may act as a re-distributor of the obtained content and usage rights thereof to the second user.

With reference to Column 55, lines 14-37 of Ginter et al., the Examiner contends that Ginter et al. disclose an intermediary control of content. However, Column 55, lines 14-37, as well as the remaining portions of Ginter et al., merely disclose that the distributor 106 can control use of a content that has already been delivered, or that the content and the usage rules of the content can be distributed to an end-user on different transmission paths.

Thus, in view of the peer-to-peer VDE system of Ginter et al., the intermediary control of Ginter et al. as disclosed in Column 55, lines 14-37 merely results in a first user transferring content to a second user, while the distributor 106 can transmit the usage rules of the content to the second user on a different transmission path.

On the other hand, new claim 45 recites that the first communication terminal device (i) receives the content from the second communication terminal device (ii), and the first communication terminal device (i) receives the copyright information of the content from the distribution management device (iii) in response to the first communication sending purchase request information that indicates a request for a purchase of the content received from the second communication terminal device (ii) to the distribution management device (iii), as recited in new claim 45.

Furthermore, new claim 45 recites that the second communication terminal device (ii) accepts, from the distribution management device (iii), intermediary information with

regard to an intermediary fee of the content purchased by the first communication terminal device (i).

Even if Ginter et al. were interpreted as disclosing that a first communication terminal device receives the content from a second communication terminal device while separately receiving the copyright information of the content from the distributor 106, Ginter et al. do not disclose or suggest the following two features of new claim 45:

(A) the first communication terminal device (i) receives the copyright information of the content received from the second communication terminal device (ii) from the distribution management device (iii) in response to the first communication terminal device (i) sending purchase request information that indicates a request for a purchase of the content received from the second communication terminal device (ii) to the distribution management device (iii); and

(B) the second communication terminal device (ii) accepts, from the distribution management device (iii), intermediary information with regard to an intermediary fee of the content purchased by the first communication terminal device (i).

In particular, Ginter et al. do not disclose, suggest or even contemplate that if the first communication terminal device (i) receives the content from the second communication terminal device (ii) and separately receives the copyright information of the content from the distribution management device (iii), the second communication terminal device (ii) accepts, from the distribution management device (iii), intermediary information with regard to an intermediary fee of the content purchased by the first communication terminal device (i).

That is, Ginter et al. disclose that if a first user distributes a content to a second user and the second user receives the copyright information of the content from the distributor 106, the first user is not involved in any way with an intermediary fee of the content received by the second user. In other words, according to the system of Ginter et al., if a first user distributes a content to a second user (a peer of the first user), and the second user must obtain the copyright information of the content from the distributor 106 (or the content creator 102), the first user is not involved in any manner whatsoever with accepting, from the distributor 106, intermediary information with regard to an

intermediary fee of the content received by the second user (see Column 30, lines 9-15, Column 43, lines 10-22, and Column 55, lines 14-67).

Therefore, Ginter et al. clearly do not disclose or suggest:

(A) the first communication terminal device (i) receives the copyright information of the content received from the second communication terminal device (ii) from the distribution management device (iii) in response to the first communication terminal device (i) sending purchase request information that indicates a request for a purchase of the content received from the second communication terminal device (ii) to the distribution management device (iii); and

(B) the second communication terminal device (ii) accepts, from the distribution management device (iii), intermediary information with regard to an intermediary fee of the content purchased by the first communication terminal device (i), as recited in new claim 45.

Accordingly, Matsushita I, Matsushita II and Ginter et al., either individually or in combination, clearly fail to disclose or suggest the above-described features (A) and (B) of new claim 45.

Consequently, no obvious combination of Matsushita I, Matsushita II and Ginter et al. would result in the invention of new claim 45 since Matsushita I, Matsushita II and Ginter et al., either individually or in combination, clearly fail to disclose or suggest each and every limitation of new claim 45.

Furthermore, in view of the clear distinctions described above between the invention of new claim 45 and the Matsushita-Ginter et al. combination, the Applicants respectfully submit that one skilled in the art would not have been motivated to modify Matsushita I, Matsushita II and Ginter et al. in such a manner as to result in, or otherwise render obvious, the invention of new claim 45.

Therefore, the Applicants respectfully submit that new claim 45, as well as new claims 46 and 47 which depend therefrom, are clearly allowable over Matsushita I, Matsushita II and Ginter et al.

Notwithstanding the clear patentability of new claim 45, the Applicants also respectfully submit that Matsushita I, Matsushita II and Ginter et al. also each fail to disclose or suggest that the content distribution management system of new claim 45

further comprises a third communication terminal device which is functionally equivalent to the second communication terminal device, where the purchase request information transmitted from the first communication terminal device (i) to the distribution management device (iii) includes circulation history information that indicates the content received by the first communication terminal device has been intermediated by the third communication terminal device before the second communication terminal device sends the content to the first communication terminal device, and where the intermediary information sending unit in the distribution management device (iii) is operable to send the intermediary information to the second and third communication terminal devices based on the circulation history information, as recited in new claim 47.

Therefore, in addition to the clear patentability of new claim 45, the Applicants respectfully submit that new claim 47 is also clearly patentable over Matsushita I, Matsushita II and Ginter et al.

Because of the clear distinctions discussed above, it is submitted that the teachings of Matsushita I, Matsushita II and Ginter et al. clearly do not meet each and every limitation of new claims 45 and 47. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time the invention was made would not have been motivated to modify Matsushita I, Matsushita II and Ginter et al. in such a manner as to result in, or otherwise render obvious, the present invention as recited in new claims 45 and 47.

Therefore, the Applicants respectfully submit that new claims 45 and 47, as well as new claim 46 which depends therefrom, are clearly allowable over the prior art as applied by the Examiner.

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is clearly in condition for allowance. An early notice thereof is respectfully solicited.

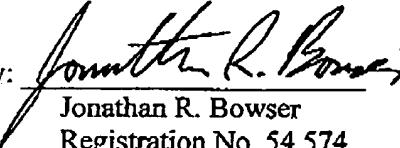
If, after reviewing this Amendment, the Examiner feels there are any issues remaining which must be resolved before the application can be passed to issue, the Examiner is respectfully requested to contact the undersigned by telephone in order to resolve such issues.

A fee and a Petition for a two-month Extension of Time are filed herewith pursuant to 37 CFR § 1.136(a).

Respectfully submitted,

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December 12, 2006